

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

101195-66

#4

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/980,972

INTERNATIONAL APPLICATION NO.
PCT/DE00/01416

INTERNATIONAL FILING DATE
2 May 2000 (02.05.00)

PRIORITY DATE CLAIMED
30 April 1999 (30.04.99)

TITLE OF INVENTION

Agent for Gene Therapy and for the Prevention of Metastases, as Well as for the Gene Therapy of Tumors

APPLICANT(S) FOR DO/EO/US

Karsten Brand, Andrew Baker, Michael Strauss

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Copy of Notification of Missing Requirements

09/980,972

PCT/DE00/01416

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24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1040.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **\$890.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$740.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$710.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =**\$0.00**Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).**\$0.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$18.00
Independent claims	- 3 =	0	x \$84.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>

\$0.00**TOTAL OF ABOVE CALCULATIONS =****\$0.00**

- ☒ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00**SUBTOTAL =****\$0.00**Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).**\$0.00****TOTAL NATIONAL FEE =****\$0.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☒**\$40.00****TOTAL FEES ENCLOSED =****\$40.00**

Amount to be:

refunded

\$

charged

\$

- a. ☐ A check in the amount of _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 14-1263 in the amount of \$40.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1263. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

the correspondence address associated with Customer Number 27387

**27387**

PATENT TRADEMARK OFFICE

SIGNATURE

Bruce S. Londa

NAME

33-531

REGISTRATION NUMBER

March 14, 2002

DATE

PTO/PCT Rec'd 14 MAR 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): **Karsten Brand et al.**

Docket No. **#4**

101195-66

Serial No.

09/980,972

Filing Date

October 29, 2001

Examiner

TBA

Group Art Unit

TBA

Invention: **Agent for Gene Therapy and for the Prevention of Metastases, as Well as for the Gene Therapy of Tumors**

I hereby certify that this **response to Notification of Missing Parts including declaration, English transl.**
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **March 14, 2002**
(Date)

Kathleen D. Monical

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EV 015942337 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20221
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/980,972	FIRST NAMED APPLICANT Karsten Brand	ATTY. DOCKET NO. 101195-66
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INTERNATIONAL APPLICATION NO.

PCT/DE00/01416

27387
 BRUCE LONDA
 NORRIS, MCLAUGHLIN & MARCUS, P.A.
 220 EAST 42ND STREET, 30TH FLOOR
 NEW YORK, NY 10017

I.A. FILING DATE	PRIORITY DATE
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05/02/2000

04/30/1999

CONFIRMATION NO. 3621

371 FORMALITIES LETTER



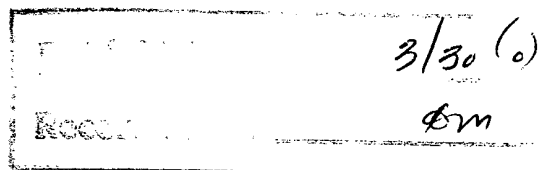
OC000000007361779

Date Mailed: 01/30/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,972	PCT/DE00/01416	101195-66

EV015942337US

Applicant : Karsten Brand et al
Serial No.: 09/980,972
Our Case : 101195-66

JC10 Rec'd PCT/PTO 14 MAR 2002

Receipt of response to Notification of Missing Requirements including declaration with proof of authority of Irene Strauss to sign on behalf of deceased inventor Michael Strauss; English translation of PCT application including two sheets of drawings; Information Disclosure Statement with copies of cited references; assignment with cover sheet and proof of authority of Irene Strauss to sign on behalf of deceased inventor Michael Strauss; supplemental preliminary amendment providing marked-up copy of amended claims filed with the first preliminary amendment and copy of Notification of Missing Requirements mailed March 14, 2002 is hereby acknowledged